



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,458	12/21/2001	Eldridge R. Byron	SPE-33	1519

7590 03/01/2006
SQUARE D COMPANY
1415 South Roselle Road
Palatine, IL 60067

EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
----------	--------------

3636

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/027,458

Applicant(s)

BYRON ET AL.

Examiner

Joseph F. Edell

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 8-15, 17, 20, 28 and 30-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 8-15, 17, 20, 28, 30 and 32 is/are allowed.
- 6) ☒ Claim(s) 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,767,440 to Byron et al. in view of U.S. Patent No. 2,064,439 to McWhirter.

Byron et al. disclose a cabinet that is basically the same as that recited in claim 31 except that the access panel lacks resilient seals, as recited in the claim. See Figures 1-7 of Byron et al. for the teaching that the cabinet has a plurality of walls 28 (see Fig. 3), a roof panel 18 (Fig. 2) connected to the walls, a floor panel 30 connected to the walls, an opening bounded by a first inwardly turned edge of one of the walls and by a second inwardly turned edge of another one of the walls, and an access panel 32 having first and second surface, a first outwardly turned panel edge 46 with a first protruding member extending toward the first inwardly turned edge, and a second outwardly turned panel edge 46 with a second outwardly turned protruding member extending toward the second edge. McWhirter shows a cabinet similar to that of Byron et al. wherein the cabinet has an opening (see Fig. 4) with first and second edges, an access panel 8 with first and second surfaces, and first and second resilient seals 15

Art Unit: 3636

(Figs. 12 and 14) disposed between the first and second surfaces of the access panel and the first and second edges of the opening. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cabinet of Byron et al. such that the cabinet has a first resilient seal disposed between the first surface of the access panel and the first inwardly turned edge as well as a second resilient seal disposed between the second surface of the access panel and the second inwardly turned edge, such as the cabinet disclosed in McWhirter. One would have been motivated to make such a modification in view of the suggestion in McWhirter resilient seals provide a waterproof sealing between the walls and access panel.

Allowable Subject Matter

3. Claims 1, 8-15, 17, 20, 28, 30, and 32 are allowed.

Response to Arguments

4. With respect to claim 31, Applicant's arguments filed 16 November 2005 have been fully considered but they are not persuasive. Applicant argues that McWhirter fails to teach a seals that waterproof the disclosed cabinet, and, as a result, one skilled in the art would not add seals to the cabinet of Byron et al. because this cabinet already has flanges and channels preventing external elements from entering therein. However, Byron et al. does not use seals between the flanges and channels of the cabinet wherein one skilled in the art would be motivated by the teachings in McWhirter to

improve upon the cabinet of Byron et al. to includes seals to prevent moisture from entering the cabinet. While the cabinet of Byron et al. may already use tightly connected flanges and channels, the teachings of McWhirter adds additional safeguards to the cabinet of Byron et al. to include seals to ensure moisture does not enter the cabinet. These additional seals do not diminish the structural features of the cabinet taught by Byron et al. but improve upon the cooperation of the flanges and channels to prevent external elements from entering the cabinet.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JE
February 19, 2006



Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600